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SERIAL NO.: 10/748,665
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-24 are pending in the application. Claims 1, 5, 8, 15 17, and 20 are currently amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

Remarks to the Title

In the Office Action the Examiner objected to the title as non-descriptive. Applicants have replaced the original title with the title set forth on page 2 of this paper. Applicants believe that the new title is sufficiently descriptive.

Claim Objections

In the Office Action, the Examiner objected to claim 17 because of alleged informalities. Claim 17 has been amended in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejection

In the Office Action, the Examiner rejected claim 17 under 35 U.S.C. § 101. Applicants have amended claim 17 to include an article comprising a computer readable storage medium, so that the instructions thereon are capable of causing functional change in the computer.

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Accordingly, Applicants respectfully request that the rejection of claim 17 under 35 USC 101 be withdrawn.

35 U.S.C. § 112 Rejection

In the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 112 as having insufficient antecedent basis. Applicants have amended claim 5 to include "an initial time interval". Applicants therefore request that the Examiner withdraw the rejection of claim 5 under 35 U.S.C. 112.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-24 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Pat. No. 6,430,414 to Sorokine et al. ("Sorokine") in view of U.S. Pat. No. 6,259,916 to Bourk et al. ("Bourk").

Applicants assert that neither Sorokine nor Bourk, alone or together, teach or suggest the invention of independent claims 1, 8, 15, 17, and 20, as amended.

Applicants assert that neither Sorokine nor Bourk, alone or together, teach or suggest "determining, during a base station monitoring procedure in an idle state of a communication device", as is required in Applicants' independent claims 1 and 17, as amended. Similarly, Applicants assert that neither Sorokine nor Bourk, alone or together, teach or suggest, "determining, during a base station monitoring procedure in an idle state of a mobile device", as is required in Applicants' independent claim 8, as amended. Similarly, Applicants assert that neither Sorokine nor Bourk, alone or together, teach or suggest, "determining, during a cell monitoring procedure in an idle state of a mobile device", as is required in Applicants' independent claim 15, as amended. Similarly, Applicants assert that neither Sorokine nor Bourk, alone or together, teach or suggest, performing a multi-path search during a base station monitoring procedure in an idle state of a communication device as is required in Applicants' independent claim 20, as amended.

As the Examiner notes in the Office Action, Sorokine and Bourk provide soft handoff algorithms. Applicants' independent claims 1, 8, 15, 17 and 20, as amended, address processes undertaken in "an idle state" of a device. Neither Sorokine nor Bourk teach any

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processes undertaken during an idle state of a device since a soft handoff inherently, is not undertaken by an idle device.

It would not be obvious to include in Sorokine or Bourk a process undertaken during an idle state of a device. Thus, neither Sorokine and Bourk, alone or in combination, teach or suggest the invention of independent claims 1, 8, 15, 17 and 20, as amended.

In fact, the description in each of Sorokine and Bourk teaches away from a process undertaken during a base station monitoring procedure in an idle state of a communication device. The description in Sorokine indicates that "the method of the invention comprises establishing communication between the wireless communication device and the at least one base station" (abstract) and that "the method comprises establishing a call between the wireless communication device and the at least one serving cell" (col. 6, line 3). Similarly, Bourk teaches that "the method generally interrupts communication between two devices based on whether communication between one of the two devices is critical" (abstract), and that "during a telephone conversation, the subscriber unit 10 and a base station may be used to transceive a voice communication between a user of the subscriber unit 10 and another user connected to the base station". These statements from both Sorokine and Bourk clearly teach away from "in an idle state" that is included as an element in each of Applicants' independent claims 1, 8, 15, 17 and 20, as amended.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Neither Sorokine nor Bourk alone or in combination, teach or suggest all the elements of Applicants independent claims 1, 8, 15, 17 and 20, as amended. Applicants therefore assert that a prima facie case for rejecting claims 1, 8, 15, 17 and 20, as amended, under 35 USC 103(a) cannot be established. Accordingly, Applicants therefore request that such rejections of independent claims 1, 8, 15, 17 and 20, as amended be withdrawn.

As provided above, independent claims 1, 8, 15, 17 and 20, as amended are allowable. Dependent claims 2-7, 9-14, 16, 18, 19, and 21-24 depend, directly or indirectly from one of independent claims 1, 8, 15, 17 and 20, as amended, and include all of the elements of one of such respective independent claims. Applicants therefore request that the Examiner's

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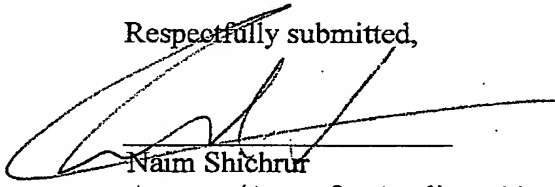
rejections of dependent claims 2-7, 9-14, 16, 18, 19, and 21-24 under 35 USC 103(a) as being unpatentable over Sorokine in view of Bourk, be withdrawn.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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